

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JUN 02 2010

JOHN F. CONCORAN, CLERK  
BY: *[Signature]* DEPUTY CLERK

ROY STEVE DAVIS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

)  
)  
)  
) Case No. 7:10CV00005  
)  
)  
)

ORDER

) By: Glen E. Conrad  
) United States District Judge  
)

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that plaintiff's "Complaint for Injunction" (Dkt. No. 54) is hereby **CONSTRUED** as a separate civil rights complaint pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and the clerk is **DIRECTED** to remove Dkt. No. 54 from this action and to file it as a separate civil rights action pursuant to Bivens. This memorandum opinion shall be docketed as the first event in the new Bivens action.

The clerk will send a copy of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 2d day of June, 2010.

*[Signature: Glen E. Conrad]*  
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United States District Judge